

REMARKS

Applicants acknowledge receipt of the Office action dated May 16, 2007. Claims 1, 3, 4, 6, 8-12, 17, and 34 were pending in the application and were examined. Claims 2, 5, 7, 13, and 29 were previously cancelled; and claims 14-16, 18-28, 30-33 and 35 were previously withdrawn from the application, but may be rejoined if claim 1 from which they depend is found allowable. By this paper, claim 1 is amended and claim 11 is cancelled. Upon entry of this Amendment, claims 1, 3, 4, 6, 8-10, 12, 17, and 34 will be pending in the application.

Applicants respectfully request entry of this amendment and favorable consideration of the pending claims under the provisions of 37 C.F.R. § 1.116. Applicants submit that the amendment to claim 1 and the following remarks submitted in support thereof are responsive to the new reference and new grounds of rejection raised in the Office action. Accordingly, Applicants believe there is good and sufficient reason why the amendment to claim 1 and supporting remarks are now necessary and should be considered and were not earlier presented.

I. Claim Rejections: 35 U.S.C. § 102

Claims 1, 3-4, 6, 8-10, 12, 17 and 34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Killion* (U.S. 6,876,749). Applicants respectfully disagree with this rejection and request reconsideration under the provisions of 37 C.F.R. § 1.116.

Claim 1 has been amended to include the features of dependent claim 11, now cancelled. As amended, claim 1 is generally directed toward a microphone assembly comprising a casing for mounting in an electronic communication device, the microphone assembly having one or more sound inlet ports, and within the casing one or more microphones and one or more controlling devices that can be operated by a user for selectively controlling the operation of the assembly, said one or more sound inlet ports, said one or more microphones and said one or more controlling devices being combined to form an integrated microphone assembly, **wherein the controlling device forms part of the one or more sound inlet ports, and the controlling device is a switch selected from the group consisting of a push button, a tragus responsive switch, and a turning knob.**

Killion (U.S. 6,876,749) discloses a sliding actuator switch (10) for covering and uncovering a sound inlet tube (13) within a housing (3) of a microphone

assembly (1) to change the directional acoustic properties of the microphone. The sliding actuator switch (10) is separate from the housing (3) and sound inlet tube (13). An electrical contact (12) signals the position of the sliding actuator switch (10) to an electronic contact sensor and switch (27) which, depending on the position of the actuator switch (10), selects a proper output signal. See, *Killion*, column 3, lines 10-54.

Killion (U.S. 6,876,749) does not teach the features of amended claim 1, including that the controlling device forms part of the one or more sound inlet ports and is a switch selected from the group consisting of a push button, a tragus responsive switch, and a turning knob. Moreover, a person skilled in the art would not consider modifying the sliding actuator switch (10) of *Killion* to form part of the sound inlet tube (13) or to use any of the alternatives now defined in amended claim 1, including a push button, a tragus responsive switch, and a turning knob. For example in *Killion*, use of the sliding actuator switch (10) to form part of the sound inlet tube (13) or use of a push button, a tragus responsive switch, or a turning knob for covering and uncovering the sound inlet tube (13) to change the directional acoustic properties of the microphone for obtaining the described change in the directional acoustic properties of the microphone would require substantial and non-obvious constructional/structural changes not suggested in the cited art.

For at least the foregoing reasons, claim 1 is submitted as patentable over *Killion* (U.S. 6,876,749) and the other cited references. Dependent claims 3, 4, 6, 8-10, 12, 17, and 34 depend from claim 1 and, accordingly, are submitted as patentable for at least the same reasons as set forth above for claim 1. In addition, claims 3, 4, 6, 8-10, 12, 17, and 34 are believed to be further patentably distinguishable because the cited references do not disclose, teach, or suggest the additional features required by them in combination with the other features recited in independent claim 1 from which they depend.

II. Claim Rejections: 35 U.S.C. § 103

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over *Killion* (U.S. 6,876,749). Claim 11 is cancelled by this amendment. Claim 12 depends indirectly from amended claim 1, which, as stated above, is submitted as patentable over the cited references. Claim 12 is therefore submitted as patentable for at least the same reasons as set forth above for claim 1

from which it depends. In addition, claim 12 is believed to be further patentably distinguishable because the cited references do not disclose, teach, or suggest the additional features required by it in combination with the other features recited in independent claim 1 from which it depends.

III. Conclusion

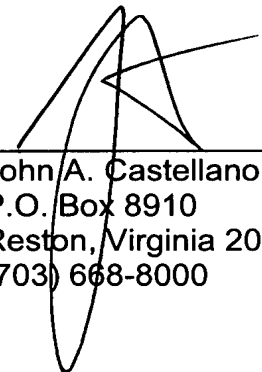
In view of the above remarks and amendments, Applicants respectfully submit that each of the Office action rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. **08-0750** for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
HARNES, DICKEY, & PIERCE P.L.C.

By



John A. Castellano, Reg. No. 35,094
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/BGP/ljs